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PATENT
Attorney Docket No.: 014058-008010US
Client Ref. No. CX-99-0036

Assistant Commissioner for Patents
Washington, D.C. 20231



On June 20, 2002

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TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SKEIKY and GUDERIAN

Application No.: 09/684,215

Filed: October 6, 2000

For: METHODS OF USING A
MYCOBACTERIUM TUBERCULOSIS
CODING SEQUENCE TO FACILITATE
STABLE AND HIGH YIELD
EXPRESSION OF THE
HETEROLOGOUS PROTEINS

Examiner: Liu, Samuel Wei

Art Unit: 1653

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed May 20, 2002, applicants elect to prosecute Group I, claims 1-16, 27-29, and 31, drawn to polynucleotides and expression of a polynucleotide in a host cell.

Applicants respectfully traverse the restriction requirement. Restriction of an application is discretionary, and a restriction requirement is made only to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits, even though they are directed to independent and distinct inventions. MPEP § 803.01. Applicants respectfully submit that examining the claims of Groups I-III would

SKEIKY and GUDERIAN
Application No.: 09/684,215
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not place and undue burden on the Examiner, and request that the restriction requirement be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Annette S. Parent
Reg. No. 42,058

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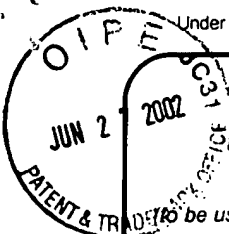
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PTO/SB/21 (08-00)

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GP 1653

TRANSMITTAL FORM

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Application Number	09/684,215
Filing Date	October 6, 2000
First Named Inventor	Skeiky, Yasir
Group Art Unit	1653
Examiner Name	Liu, Samuel Wei
Attorney Docket Number	014058-008010US

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Total Number of Pages in This Submission

3

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Return Postcard; Response to Restriction Requirement.

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name

Townsend and Townsend and Crew LLP

Annette S. Parent

Reg. No. 42,058

Signature

Annette S. Parent

Date

June 20, 2002

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Dana Kane

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June 20, 2002

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